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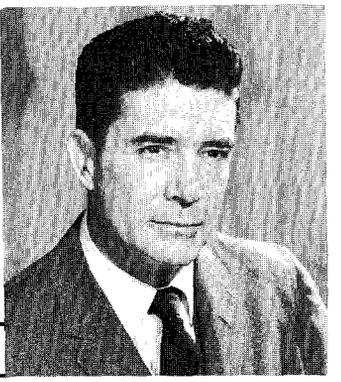

DAN SMOOT

SAFE STREETS AND CRIME CONTROL

Maintenance of law and order has become a major political issue — possibly *the* major issue.

All candidates say they are *for* law and order, of course. Yet, liberals continue to incite lawlessness by amplifying communist propaganda that Negro mobs are justified in committing mass crimes because Negroes used to be slaves and are still oppressed by white racism—though, in fact, law and government policy illegally compel discrimination *in favor* of Negroes in many areas of American life.

Liberals continue to urge the spending of multiplied billions of tax dollars, on top of the billions already being spent, for welfare and subsidized living.

Such welfare-statism undermines the pride and self-reliance of people, by encouraging them to live on handouts and to blame others for their problems, instead of living by their own efforts and assuming responsibility for themselves. It also has another effect profoundly damaging to our society: it puts the federal government in the role of setting an example of lawlessness. If government can violate the "supreme law of the land" (the Constitution) by enacting legislation clearly prohibited by that law, merely because government officials say the legislation is desirable or needed, why should individuals not violate law to do what they please — especially when government seems disposed to protect law-breakers rather than law-abiders?

Conservatives (or people who think they are conservatives) continue to be maneuvered into supporting "alternatives" to liberal proposals — alternatives which are as illegal (if not quantitatively as bad) as the liberal proposals.

Early in 1967, President Johnson proposed the Safe Streets and Crime Control Act, providing $50 million to help states and communities improve law enforcement — giving the U. S. Attorney General authority to make grants-in-aid directly to police departments.

A genuine constitutional conservative's first reaction to such a proposal would be to ask what legal authority the federal government has for tampering with local law enforcement. In the Constitution, he

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would find that the federal government has *none* in this field. The only thing the federal government can legally do about riots and other forms of rampaging crime is to send troops promptly, when they are requested by the legislature or governor of a state.

A genuine constitutional conservative's second reaction to President Johnson's proposed Safe Streets and Crime Control Act would be to compare it with other illegal federal-aid proposals which began for "good and necessary" purposes — such as federal aid to education.

All federal aid to education is illegal, but it has been promoted by liberals for the past 30 years as a means of converting educational institutions into propaganda agencies for big government.

For a long time, conservatives opposed federal aid to education, not only because of the danger of federal control, but because it was unconstitutional.

Finally, about 10 years ago, conservatives abandoned their stand on constitutional principles and began supporting federal aid to education — foolishly and vainly trying to limit it in such a way that it would not give federal agencies control of our schools.

Now, federal aid to education is a fact of life; and federal control of our schools is making our children pawns of social experimenters, race agitators, and ambitious politicians.

Congress has now started down the same road with regard to federal aid to law enforcement that it has already traveled with regard to federal aid to schools.

When Johnson first proposed his Safe Streets and Crime Control Act in 1967, some members of Congress denounced it as dangerous, because, by giving the Attorney General control over allocating funds to police, it gave that official power ultimately to control the police; but none pointed out that the federal government has no constitutional authority to give money to local police.

Members of Congress apparently felt they had to be for safe streets and crime control in these anarchistic times. In the House, those members who call themselves "conservative" and "moderate" rewrote Johnson's proposals, trying to keep the federal aid the President requested, while removing control of that aid from the Attorney General. They even changed the name of the President's bill (HR 5037) from *Safe Streets and Crime Control Act* to *Law Enforcement and Criminal Justice Assistance Act.*

The House passed HR 5037 on August 8, 1967 (by a stand of 382 to 27), providing the $50 million in aid to local law enforcement agencies that the President had requested, plus $25 million for those agencies to use in controlling and preventing riots. The bill created a National Institute of Law Enforcement and Criminal Justice to provide research and training for local law enforcement officers; and it specified that federal grants to aid local law enforcement agencies would be made to states — with the states, rather than the U. S. Attorney General, controlling distribution of the money.

This latter provision was intended, of course, to keep from the Attorney General the power to grant direct subsidies to — and therefore to exercise control over — local police. But, as often happens, the House vitiated its own purpose. It wrote into HR 5037 a loophole provision which empowers the U. S. Attorney General to grant funds directly to local law enforcement agencies — if he considers a state government laggard in requesting planning grants and in submitting law-enforcement innovation plans that please federal officials.

The Senate did not act on HR 5037 in 1967.

In his 1968 State of the Union Message, President Johnson said:

"We . . . know that the American people have had enough of rising crime and lawlessness in this country.

"They recognize that law enforcement is first the duty of local police and local government . . . .

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"But the people also recognize that the national Government can and the national Government should help the cities and states in their war on crime to the full extent of its resources and its constitutional authority. And this we shall do.

"This does not mean a national police force. It does mean help and financial support . . . .

"There is no more urgent business before this Congress than to pass the Safe Streets Act this year that I proposed last year. That law will provide these required funds. They are so critically needed that I have doubled my request under this act to $100 million in fiscal 1969.

"And I urge the Congress to stop the trade in mail order murder, to stop it this year, by adopting a proper gun-control law."

This put Lyndon B. Johnson squarely on record as favoring law and order: Lyndon B. Johnson, who — with his great society programs, his inflammatory speeches encouraging new-left anarchists and Negro militants, his programs for rewarding rioters, his new policy of restraint in handling Negro riots, his Attorney General, his Supreme Court appointments, his Riot Commission, and his maudlin behavior over the death of Martin Luther King — has done much to incite lawlessness in the United States.

The Senate Judiciary Committee rewrote HR 5037, and — on April 4, 1968 — ordered it reported to the floor of the Senate (with its name changed back to, Safe Streets and Crime Control Act). As rewritten by the Senate Judiciary Committee, the Safe Streets and Crime Control Act:

— provides $100 million in aid to local law enforcement agencies for fiscal 1969 (as requested by the President), and $300 million for fiscal 1970;

— gives the U.S. Attorney General, rather than states, control over allocation of the federal funds to local law enforcement agencies (thus complying with proposals in the administration's original bill);

— authorizes police use of wiretapping in the investigation of major crimes (a provision which the administration opposes);

— denies Supreme Court jurisdiction in cases concerning admissibility of confessions as evidence, if the trial judge had ruled the confession voluntary and had been upheld by his state's highest court (a provision which practically all liberals strongly oppose);

— prohibits interstate shipment of handguns to individuals, and prohibits across-the-counter sales of handguns to individuals who do not reside in the state where the gun is sold.

To repeat: Congress has no constitutional authority to grant aid to local law enforcement agencies.

Congress has no constitutional authority either to permit or prohibit police use of wiretapping. This is a matter for state and local law and courts. The Senate Committee was trying to offset Supreme Court rulings which make wiretapping evidence inadmissible. The Supreme Court had no valid authority for the rulings; and there is something that Congress can do about illegal Supreme Court rulings; but the provision about wiretapping in the Safe Streets bill is not the way to do it.

The provision in the Safe Streets bill limiting Supreme Court jurisdiction in "confession" cases is desirable and constitutional, but it does not go far enough, and it should not be in this bill.

The gun-control provision which the Senate Judiciary Committee added to the Safe Streets bill is a watered-down version of a bill which Senator Thomas Dodd has been pushing ever since 1963. Dodd's original bill would include rifles and shotguns as well as handguns. Dodd and the administration tried, but failed, to capitalize on the emotional backwash of President Kennedy's assassination to get this legislation. The version of the Dodd bill included in the Safe Streets bill was added after the murder of Martin Luther King.

Federal gun-control laws are unconstitutional. *All* gun-control laws aimed at outlawing weapons

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instead of punishing people who misuse weapons are undesirable, because they tend to disarm law-abiding citizens, leaving them dependent for protection on police in a time when police are either unable or are not permitted to protect the citizenry. Such gun-control laws do not, however, keep criminals from getting and using guns, because criminals do not obey laws, gun-control or otherwise.

In the coming weeks, there will be much congressional wrangling about the Safe Streets bill.

But no matter how hard "conservatives" may fight to tone the bill down and limit the power of the Attorney General, they are — by supporting the bill in any form — supporting an unconstitutional invasion of the federal government into the field of local law enforcement. If the bill is passed — in any form — worse bills will follow; and, in a few years, we will have a federal gestapo.

Congress should reject the Safe Streets and Crime Control Act (HR 5037) altogether.

But what should Congress do about riots and rampaging crime?

Since federal courts have no constitutional authority to review state court decisions in cases involving state laws, Congress, by statute, should prohibit federal courts from taking state and local cases on appeal. This would leave with local and state courts and law enforcement agencies the power to protect the public by enforcing law and punishing law breakers.

Beyond that, Congress should dismantle the federal welfare-state dictatorship and reestablish limited constitutional government, leaving state governments the resources and power to do whatever the people of each state feel that government should do in the way of maintaining law and order and assisting the poor.

This is a large order; but if we settle for less as our ultimate goal, we cannot save our Republic. We cannot reverse the socialist revolution abruptly, but we could halt its advance *this year*, if we would elect enough constitutionalists to Congress.

How did your U.S. Representative vote on the Safe Streets bill? How do your Senators and Representative vote on welfare-state measures that are encouraging indolence and crime? You can find out in our "Record of the 90th Congress," a comprehensive 28-page compilation of the voting records of all members of the present Congress. Price, $1.00.

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